UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,364	11/26/2001	Marco Jan Gerrit Bekooji	NL 000649	9839

24737 7590 07/02/2004		

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER
KIM, KENNETH S

ART UNIT	PAPER NUMBER
2111	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 June 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-14</u> is/are pending in the application.

   4a) Of the above claim(s) <u>8 and 9</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-7 and 10-14</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

KENNETH S. KIM
PRIMARY EXAMINER

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1. ☒ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>11/26/01, 7/18/02</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

1.   Claims 1-7 and 10-14 have been elected are presented for examination and

Claims 8 and 9 remain non-elected.

2.   Applicant is requested to provide labels for various elements in the figures.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1-7 and 10-14 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

(a)   Claim 1, "said data-items" lacks antecedent basis.

(b)   Claim 1, it is not clear what is the criteria of selection, as "selecting being

depending on data" is ambiguous.

(c)   Claim 1, it is not clear what is the condition for the conditionally executable

instructions.

(d)   Claim 1, the relationship between each of the instructions issued and the data-

item each instruction operates on is ambiguous.

(e)   Claims 10 and 12, the same as (a) to (d).

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Emer et al taught a method of moving selected data-items based on predicate

associated with data.

Steely, Jr taught a method of operating on data depending on validity of the data.

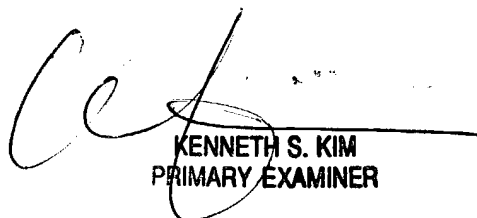Keith taught a method of conditional execution of instructions.

James et al taught a method of conditional execution of instructions.

6.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Kenneth S KIM whose telephone number is (703) 305-
9693. The examiner can normally be reached on M-F (8:30-17:00).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers
for the organization where this application or proceeding is assigned are (703) 872-9306
for regular communications and (703) 872-9306 for After Final communications.

        Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 305-
3900.

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June 29, 2004

KENNETH S. KIM
PRIMARY EXAMINER